

BOIES SCHILLER FLEXNER LLP

David Boies (admitted pro hac vice)

333 Main Street

Armonk, NY 10504

Tel: (914) 749-8200

dboies@bsfllp.com

Mark C. Mao, CA Bar No. 236165

Beko Reblitz-Richardson, CA Bar No.

238027

44 Montgomery St., 41st Floor

San Francisco, CA 94104

Tel.: (415) 293-6800

mmao@bsfllp.com

brichardson@bsfllp.com

James Lee (admitted pro hac vice)

Rossana Baeza (admitted pro hac vice)

100 SE 2nd St., 28th Floor

Miami, FL 33131

Tel.: (305) 539-8400

jlee@bsfllp.com

rbaeza@bsfllp.com

Alison L. Anderson, CA Bar No. 275334

M. Logan Wright, CA Bar No. 349004

2029 Century Park East, Suite 1520

Los Angeles, CA 90067

Tel.: (213) 629-9040

alanderson@bsfllp.com

mwright@bsfllp.com

*Attorneys for Plaintiffs***UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,

JEREMY DAVIS, CHRISTOPHER

CASTILLO, and MONIQUE TRUJILLO

individually and on behalf of all other similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

SUSMAN GODFREY L.L.P.

Bill Carmody (admitted pro hac vice)

Shawn J. Rabin (admitted pro hac vice)

Steven M. Shepard (admitted pro hac vice)

Alexander Frawley (admitted pro hac vice)

One Manhattan West, 50th Floor

New York, NY 10001

Tel.: (212) 336-8330

bcarmody@susmangodfrey.com

srabin@susmangodfrey.com

sshepard@susmangodfrey.com

afrawley@susmangodfrey.com

Amanda K. Bonn, CA Bar No. 270891

1900 Avenue of the Stars, Suite 1400

Los Angeles, CA 90067

Tel.: (310) 789-3100

abonn@susmangodfrey.com

MORGAN & MORGAN

John A. Yanchunis (admitted pro hac vice)

Ryan J. McGee (admitted pro hac vice)

201 N. Franklin Street, 7th Floor

Tampa, FL 33602

Tel.: (813) 223-5505

jyanchunis@forthepeople.com

rmcgee@forthepeople.com

Michael F. Ram, CA Bar No. 104805

711 Van Ness Ave, Suite 500

San Francisco, CA 94102

Tel: (415) 358-6913

mram@forthepeople.com

Case No.: 4:20-cv-03664-YGR-SVK

**DECLARATION OF MONIQUE
TRUJILLO IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION
FOR FINAL APPROVAL OF CLASS
SETTLEMENT**

Judge: Hon. Yvonne Gonzalez Rogers

Date: July 30, 2024

Time: 2:00 p.m.

Location: Courtroom 1 – 4th Floor

DECLARATION OF MONIQUE TRUJILLO

Pursuant to 28 U.S.C. § 1746, I, Monique Trujillo, hereby declare as follows:

1. My name is Monique Trujillo. I am over eighteen years of age and am competent to testify to and have personal knowledge of the facts set forth herein.

2. I am one of the class representatives identified in the Court's class certification order in this lawsuit against Google, LLC. ("Google").

3. I provided a declaration in support of Plaintiffs' motion for class certification, and I am now providing this declaration in support of the settlement achieved in this case.

4. I understand that the Court certified two nationwide classes for injunctive relief under Rule 23(b)(2):

Class 1 – All Chrome browser users with a Google account who accessed a non-Google website containing Google tracking or advertising code using a browser and who were (a) in "Incognito mode" on that browser and (b) were not logged into their Google account on that browser, but whose communications, including identifying information and online browsing history, Google nevertheless intercepted, received, or collected from June 1, 2016 through the present.

Class 2 – All Safari, Edge, and Internet Explorer users with a Google account who accessed a non-Google website containing Google tracking or advertising code using any such browser and who were (a) in "private browsing mode" on that browser, and (b) were not logged into their Google account on that browser, but whose communications, including identifying information and online browsing history, Google nevertheless intercepted, received, or collected from June 1, 2016 through the present.

5. As a named plaintiff and class representative in this action, I understood that I have a duty to protect the interests of the classes, and I have at all times sought to act consistent with that duty and for the benefit of the classes.

6. I am not aware of anything that has in any way limited my ability to adequately represent the interests of the classes and members of the classes or any interests that conflict in any way with the interests of the classes and members of the classes. I have not been promised any compensation for bringing this case or serving as a class representative.

7. Based on my use of Chrome Incognito mode to visit non-Google websites during the class period, I understand that I am a representative of Class 1. I was not logged into my

1 Google account when I visited those non-Google websites in Incognito mode. I understand that
2 Google collected, stored, and used my private browsing activity at that time, and it is my
3 understanding and belief that Google did that without consent.

4 8. I also understand that I am a member of Class 2 because I browsed non-Google
5 websites using Safari's private browsing mode. I was not logged into my Google account on the
6 browser when I did that. I now know that Google collects, stores, and uses my private browsing
7 activity, but I never did and still do not consent to Google collecting, storing, and using this
8 information against my wishes.

9 9. I have been and continue to be willing to do what is necessary to protect the
10 interests of the members of the classes. I have retained lawyers who have experience in class
11 action litigation. I have discussed this case with my lawyers on numerous occasions, and
12 reviewed pleadings before they were filed.

13 10. I provided deposition testimony for this case on January 7, 2022, and have
14 responded to numerous written discovery requests from Google, including 17 interrogatories, 34
15 requests for production, and 55 requests for admission.

16 11. My personal devices were also imaged so that account information, settings, and
17 other data could be retrieved. I also allowed Google to pull information from my account that is
18 sensitive and confidential to me, like my Google subscriber information. I also helped gather
19 information from my device (with the help of my lawyers and experts) to submit to Google to
20 help understand how Google's tracking works.

21 12. My participation in this case was difficult, including because the discovery efforts
22 described above exposed parts of my life that I would have liked to keep private. However, I
23 accepted that tradeoff for the privilege of representing these classes and seeking relief that holds
24 Google accountable, and I am honored to have helped secure the relief provided by the
25 Settlement.

26 13. I am familiar with the claims that have been asserted in the case and have
27 remained apprised of the strategy employed in this litigation. I have remained committed to
28

1 staying up to date on additional developments in this case by continuing to confer with my
2 attorneys on a regular basis, including motions practice that occurred after the Court certified the
3 classes. This included periodically meeting with my attorneys to discuss strategy for summary
4 judgment and trial, as well as the mediation sessions that occurred in this case after the Court
5 denied Google's motion for summary judgment. My attorneys discussed with me the strategies,
6 progress, and results of these motions and mediation sessions.

7 14. I have reviewed the Settlement Agreement in this case. It reflects the substance
8 of what my attorneys discussed with me during the communications over the months that the
9 mediation sessions occurred, as well as the results of the mediation. The Settlement Agreement
10 achieves the robust changes that I wanted to achieve through this litigation. This includes
11 meaningful changes to Google's disclosures and practices that I believe will have real benefits
12 for all members of the classes certified by the Court. I also understand that the Settlement
13 Agreement ensures that class members remain free to bring cases to separately seek monetary
14 relief.

15 15. As part of the Settlement Agreement, I have agreed to submit my individual
16 claims for monetary relief to be resolved through confidential and binding arbitration. These
17 amounts will be determined by the office of Judge Layn Phillips.

18 16. I am aware that there are attorneys' fees and costs involved in representing
19 classes, and I have arranged with my attorneys that they will seek recovery of those attorneys'
20 fees and costs from Google. I understand that Google may contest the reasonableness of the
21 amounts that are requested but that Google has agreed to pay the amounts awarded by the Court,
22 and that the parties to this litigation have waived their right to appeal this Court's decision on
23 the amounts awarded.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on April 1, 2024.

26 
27 _____
28 MONIQUE TRUJILLO